IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.927 of 2006
MANOJ KUMAR SINGH @ MANOJ SINGH
Versus
STATE OF BIHAR & ANR.
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7. 28.8.2008. This application has been filed against the order dated 26.7.2006 passed by Fast Track Court No.IV, Bhabua in Sessions Trial No.330 of 1998 thereby the prayer of the prosecution to implead this petitioner as additional accused under section 319 Cr.P.C. has been allowed.

Heard the learned counsel for the petitioner. No one appears on behalf of the opposite party in spite of service of notice.

The submission of the learned counsel for the petitioner is that the order in question is bad and illegal. The petition u/S 319 of the Cr.P.C. was filed at a very belated stage after examination of ten witnesses at the time of recording of the statement under section 313 Cr.P.C. It is further submitted that section 319 of the Cr.P.C. is not a mandatory provision. It is only an enabling. Therefore, the petition should be filed at early stage of the trial.

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Considered the submission of the learned counsel for the petitioner. Perused the impugned order. It is quite apparent that this petition under section 319 Cr.P.C. was filed at the stage of recording of the statement of the accused persons after examination of ten witnesses. On perusal of the fardbeyan, it appears that it is a case of the year 1996. There is no specific allegation against this petitioner. In other word, there were no compelling reasons before the Court to

implead this petitioner as additional accused at that stage. It is well settled law that the provision of section 319 Cr.P.C. must be exercised at initial stage of the trial and not at a belated stage as it would further drag the disposal of the case.

Accordingly, this application is allowed and the impugned order is hereby set aside. The court below is directed to dispose of the case at the earliest.

(Ghanshyam Prasad)

N.H./

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